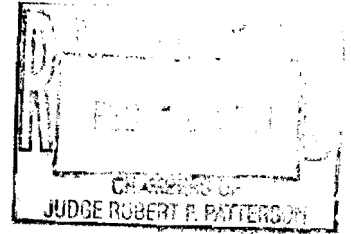


**MEMO ENDORSED**



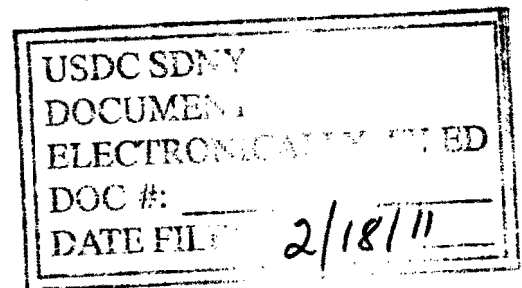
**MICHAEL A. CARDOZO**  
Corporation Counsel

**THE CITY OF NEW YORK  
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**MARTIN BOWE**  
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February 18, 2011

By Facsimile (212) 805-7917  
Honorable Robert P. Patterson  
United States District Court Judge  
Southern District of New York  
500 Pearl Street, Room 2550  
New York, New York 10007



Re: Bennett v. Horne, et al. 07-CV-2823 (RPP); Morales v. City, 10-VC-2097 (RPP).

Dear Judge Patterson:

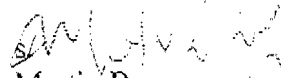
I am the Assistant Corporation Counsel assigned to represent the City defendants in the above-titled actions. I write in response to Class Counsel's letter dated February 16, 2011 ("Letter"), and to request that the Court order that a joint status letter be submitted by the parties to the Court by April 15, 2011. Additionally, in light of the submission of the Letter to the Court, City defendants wish to inform the Court that we have today provided to Class Counsel a preliminary response to every concern raised in Class Counsel's Letter.

In our view, the Letter should not have been copied to the Court, as it comprises a demand to respond to certain concerns and falls within the dispute resolution contours of the settlement. It may well be that many of the concerns can be addressed without intervention of the Court. Indeed, that is the intent of the Bennett Stipulation. Moreover, the parties toured the facility just two months ago and were briefed by medical staff on several of the matters reflected in the Letter. Thus, plaintiffs' provision of the Letter to the Court was premature.

City defendants propose that the parties submit a joint status letter to the Court by April 15, 2011, which will address in detail every issue raised by Class Counsel's Letter.

Thank you for considering this request.

Respectfully submitted,



Martin Bowe  
Assistant Corporation Counsel

cc: Daniel R. Margolis (212) 291-9394

*Cep picator granted*  
*So order*  
*Robert P. [unclear]*  
*OSP2*  
*2/15/11*